

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

APOLONIA REYES DE PAULINO, *both
individually and on behalf of all other
similarly situated persons,*

Plaintiff,

v.

EXTENDED AT HOME CARE,
EXTENDED NURSING PERSONNEL
CHAA, LLC, and EXTENDED HOLDING
COMPANY, LLC, d/b/a EXTENDING AT
HOME CARE, EXTENDED HOMECARE,
and EXTENDED HOME CARE,

Defendants.

No. 23-CV-4199 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

It has been reported to the Court that this Fair Labor Standards Act (“FLSA”) case has been settled. No later than November 6, 2024, the parties shall submit a joint letter setting forth their views as to why their settlement is fair and reasonable and should be approved, accompanied by all necessary supporting materials, including contemporaneous billing records for the attorney’s fees and costs provided for in the settlement agreement. In light of the presumption of public access attaching to “judicial documents,” *see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006), the parties are advised that materials on which the Court relies in making its fairness determination will be placed on the public docket, *see Wolinsky v. Scholastic Inc.*, No. 11-CV-5917 (JMF), 2012 WL 2700381, at *3–7 (S.D.N.Y. July 5, 2012).

The parties are advised, however, that the Court will not approve of settlement agreements in which:

- (a) Plaintiffs “waive practically any possible claim against the defendants, including unknown claims and claims that have no relationship whatsoever to wage-and-hour issues,” *Gurung v. White Way Threading LLC*, 226 F. Supp. 3d 226, 228 (S.D.N.Y. 2016) (internal quotation marks omitted); and
- (b) Plaintiffs are “bar[red] from making any negative statement about the defendants,” unless the settlement agreement “include[s] a carve-out for truthful statements about [P]laintiffs’ experience litigating their case,” *Lazaro-Garcia v. Sengupta Food Servs.*, No. 15 Civ. 4259 (RA), 2015 WL 9162701, at *3 (S.D.N.Y. Dec. 15, 2015) (internal quotation marks omitted).

SO ORDERED.

Dated: September 24, 2024
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', written over a horizontal line.

Ronnie Abrams
United States District Judge